



PATENT
Customer No. 22,852
Attorney Docket No. 6890-11-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kang Tae LEE et al.) Group Art Unit: 1616
)
Serial No.: 09/927,338) Examiner: K. George
)
Filed: August 13, 2001)
)
For: COSMETIC COMPOSITION)
CONTAINING KIDNEY BEAN)
EXTRACTS)

TECH CENTER 1600/2900

OCT 27 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In the Office Action of July 31, 2003, the Examiner rejected claims 5-10 for being anticipated by Japanese Patent Application No. 63-66109 hereafter JP'109.

Applicants' invention relates to a method for suppressing wrinkle formation of human skin which comprises applying to said skin a skin cosmetic composition containing kidney bean extracts.

On the other hand, JP'109 relates to a cosmetic composition for the skin containing traumatic acid extracted from kidney bean pods.

Kidney bean extract and kidney bean pod extract are not the same thing as they contain different substances. In support of this, enclosed is a Declaration of Kang Tae Lee, one of the inventors in this application setting forth an Experiment (A-1) he conducted comparing kidney bean extract with kidney bean pod extract. As seen from

page 4 of the declaration, kidney bean extract, which is obtained from the bean without the pod, contains four (4) components, whereas kidney bean pod extract, which is obtained from the bean pod, contains only one component which is, consistent with JP'109, traumatic acid. As noted in the declaration, it is believed that kidney bean extract contains traumatic acid too, but it also contains at least three (3) other components not found in kidney bean pod extract.

Accordingly, since the "kidney bean extracts" of the present claims are not the same as the kidney bean pod extracts of JP'109, it is submitted that the claims cannot be considered anticipated by this reference. Its withdrawal as a ground of rejection of the claims under § 102(b) is therefore requested.

In addition, the claims should not be considered obvious over JP'109 either. Experiment A-2 of the Declaration compares the collagen synthesis of the kidney bean extract, kidney bean pod extract and traumatic acid obtained in Experiment A-1. As can be seen from the results set forth in the Table on pages 4 and 5 of the declaration, the effects of kidney bean extract differ significantly from the effects of kidney bean pod extract or traumatic acid with respect to collagen synthesis. Note also that the synthesis yield of collagen increases as the concentration of kidney bean extracts increases (see Table 3, on page 9 of the specification where the yield was 291 at 500 µg/ml), whereas the yield was not only lower with kidney bean pod extract or traumatic acid at all concentrations, but essentially remained the same even as the concentration of it increased. This conclusively demonstrates that kidney bean extract exhibits superior results of increasing collagen synthesis compared to kidney bean pod extract.

It is believed claims 5-10 are now in condition for allowance and such action is therefore requested.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2003

By: 

Arthur S. Garrett
Reg. No. 20,338

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